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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,477	03/11/2004	Kee-Yean Ng	70030733-1	7408

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/798,477

Applicant(s)

NG ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Continuation of 3. NOTE: Applicant proposes to amend independent claim 8 to include a limitation that the fluorescent material overlay extends over an area at a top end of the cavity, wherein only a first portion of the area includes fluorescent material and a second portion co-extensive with the first portion does not have any fluorescent material. Applicant submits that an "area" was previously recited in the claims but was removed because the Examiner appeared to not give it weight. The Examiner notes that previously, the claim recited the fluorescent material overlay having an area but currently, applicant proposes to amend the claim to recited the fluorescent material overlay extending over an area at a top end of the cavity, which is clearly different from the previous recitation. Thus since the claim was not previously examined with this new feature in mind, further consideration and/or search is required.

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument, in regards to independent claim 1, that the claimed recitation "substantially fully converts all light emitted from the LED to fluorescent radiation" inherently results in monochromatic light, the Examiner respectfully disagrees. Applicant argues that Reeh teaches only a portion of light being converted and another portion unconverted. The Examiner notes that the claimed recitation that the fluorescent material overlay "substantially fully converts all light...to fluorescent radiation" suggests that not all of the light is converted but "substantially" all of the light is converted. Even if all of the light is converted, the claim only recites the light being converted to fluorescent radiation. Monochromatic light and polychromatic light are both fluorescent radiation. Thus, the Examiner submits that the emission of monochromatic light is not an inherent property of the claimed invention.

In response to applicant's argument that Reeh does not disclose a thickness having a property of substantially fully converting all light, the Examiner notes that since Reeh discloses the conversion layer having a constant thickness, as also disclosed in the instant application, Reeh teaches a thickness capable of substantially converting all of the light emitted from the LED to fluorescent radiation.

Applicant argues, in regards to independent claim 8, that portion 29 of Reeh is a lens being a distinctly different layer from that of the conversion layer 4 and thus, not part of the conversion layer. The Examiner notes that Reeh discloses that the lens (29) may be bonded onto the conversion layer (4) or designed integrally together with the conversion layer (col. 13, ln. 1-3). Thus, the Examiner holds that the conversion layer and the lens of Reeh is analogous to the fluorescent material overlay claimed in the instant application.

In response to applicant's argument, in regards to independent claim 14, that the combination of Reeh and Isoda does not teach a single fluorescent material overlay at a top end of the plurality of cavities, the Examiner respectfully disagrees. The Examiner notes that Figure 3g of Isoda shows a single overlay (16) at a top end of a plurality of cavities that does not include fluorescent material. However, Reeh teaches a fluorescent material overlay, as described above, at the top end of a cavity. Thus, the Examiner holds that the combination of Isoda and Reeh would result into a single fluorescent material overlay at a top end of the plurality of cavities, as claimed in the instant application



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